

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA** :  
:  
:                   **CRIMINAL NO. 3:15-72**  
**v.**                   :  
:                   **(JUDGE MANNION)**  
**MICHAEL COSTELLO,**                   :  
:  
**Defendant**                   :  
:

**ORDER**

Based on the court's memorandum issued this same day, **IT IS**  
**HEREBY ORDERED THAT:**

- (1)** The defendant Michael Costello's letter Motion for Compassionate Release or for Reduction of Sentence and for Immediate Release to Home Confinement, (**Doc. 93**), is construed as an emergency petition for writ of habeas corpus pursuant to 28 U.S.C. §2241.
- (2)** The clerk of court is directed to docket defendant's Doc. 93 motion as a §2241 habeas petition and to assign it a separate civil number. Due to the immediate request for relief sought, the clerk of court is directed forgo the thirty-day administrative order requiring defendant to pay the filing fee for a habeas petition, as that can be addressed in the proper jurisdictional court.

- (3) The clerk of court is then directed to forthwith transfer defendant's habeas petition to the U.S. District Court for the District of Minnesota.
- (4) To the extent defendant's Doc. 93 motion can be construed a motion for compassionate release, it is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction since he has failed to comply with §3582(c)(1)(A)'s exhaustion requirement.
- (5) To the extent defendant's Doc. 93 motion can be alternatively construed as a motion for immediate release to home confinement under the CARES Act, it is **DISMISSED** since the court lacks authority to grant such relief under the Act.

s/ Malachy E. Mannion

**MALACHY E. MANNION**

**United States District Judge**

**DATE: May 11, 2020**

15-72-01-Order